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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,413	04/09/2001	Roger Dev	C0441/7176	9000

7590 06/18/2004

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BOSTON, MA 02210-2206

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,413

Applicant(s)

DEV ET AL.

Examiner

Thong H Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/02/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 21-28,35-41,45-47 are pending.

Claim Rejections - 35 USC § 101

2. Claims 35-39 and 46,47 are rejected under 35 U.S.C. 101 because a processor means and computer program product (or the computer-executable instructions) must be supported by a computer readable medium.

Claim Rejections - 35 USC § 112

3. Claims 21-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. (i.e.: a first reply created by a recipient of the electronic message).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-47 are rejected under 35 U.S.C. § 102(e) as being anticipated by

Weisser Jr. [Weisser 5,430,719]

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5. As per claim 21, Weisser discloses a **messaging system** that provides clients with electronic messaging services, a method for organizing one reply (or more replies) to an electronic message, comprising the steps of:

assigning a unique identifier to the electronic message [Weisser, a unique transaction ID for message, col 18 lines 10-25]; and

using the unique identifier to associate the one reply (or more replies) with the electronic message [Weisser, an SCP response message or a first reply sent to the SCP as a result of an SCP originated message simply returns the transaction ID, col 18 lines 56-65].

6. Claims 35,45 contains the similar limitations set forth of apparatus claim 21. Therefore, claims 35,45 are rejected for the similar rationale set forth in claim 21.

7. As per claims 22,36,41 Weisser discloses assigning a reply identifier to a first reply created by a recipient of the electronic message; and using the reply identifier to associate, with the first reply, each of one (or more) subsequent reply created in response to the first reply [Weisser, an SCP response message or a first reply sent to the SCP as a result of an SCP originated message simply returns the transaction ID, col 18 lines 56-65].

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8. As per claim 23,37 Weisser discloses the step of separately presenting the electronic message and the one reply (or more replies) to a recipient as inherent feature of response message [Weisser, a separate test, col 20 lines 8-25].

9. As per claim 24,38 Weisser discloses the step of separately presenting the electronic message, the first reply and the one or more subsequent replies to a recipient [Weisser, a separate test, col 20 lines 8-25].

10. As per claim 25, Weisser discloses the step of separately presenting the electronic message [Weisser, a separate test, col 20 lines 8-25], the first reply, and the one or more subsequent replies comprises the step of presenting to the recipient a tree arrangement wherein the electronic message is a trunk, the first reply is a first-level branch depending from the trunk, and the one or more subsequent replies are second-level branches depending from the first-level branch as inherent feature of directory number table [Weisser, directory number table, col 24 lines 1-10].

11. As per claim 26, Weisser discloses the method includes steps for distributing the electronic message to clients of a host system, comprising the steps of:

creating one (or more) distribution list(s) including each client of the host system who is a recipient of the electronic message [Weisser, a table is created, abstract];

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storing at least one copy of the electronic message at the host system [Weisser, a number of lista and tables are maintained in database stored on disks, col 11 line 60- col 12 line 20]; and

using the one or more distribution lists to notify each client of the host system who is a recipient of the electronic message, such that the at least one copy of the electronic message is made available to each notified client [Weisser, notified, col 16 lines 50-57; col 19 lines 29-38].

12. Claims 27,28,39,40,46,47 contain the similar limitations set forth of apparatus claim 26. Therefore, claims 39,40,46,47 are rejected for the similar rationale set forth in claim 26.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

